

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Unlicensed Operation in the TV Broadcast Bands)	ET Docket No. 04-186
)	
Additional Spectrum for Unlicensed Devices)	ET Docket No. 02-380
Below 900 MHz and in the 3 GHz Band)	
)	

**COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (“TIA”) hereby submits comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding.¹

I. INTRODUCTION

TIA is the leading trade association for the communications and information technology industry, with 700 member companies that manufacture or supply the products and services used in global communications. TIA represents its members on the

¹ *Notice of Proposed Rulemaking*, FCC 04-113 (released May 25, 2004) (“NPRM”).

full range of public policy issues affecting the communications industry, forges consensus on industry standards, and produces and co-owns SUPERCOMM, the world's largest annual communications exhibition and conference. Among their numerous lines of business, TIA member companies design, produce and deploy terrestrial and satellite wireless network and terminal equipment. As a result, TIA has a substantial interest in current and future Federal Communications Commission ("FCC" or "Commission") spectrum management decisions and activities related to the development of wireless broadband services and the use of the television broadcast spectrum.

In this NPRM, the Commission seeks comment on a range of issues related to the operation of unlicensed radio transmitters in the TV broadcast spectrum at locations where that spectrum is not being used. The Commission believes that these proposals could provide for more efficient and effective use of the TV broadcast spectrum and could have significant benefits for the public by increasing competition in the wireless broadband industry and providing incentives for the development of new and innovative broadband devices and services for businesses and consumers. The Commission further believes that these proposals could benefit wireless Internet service providers (WISPs) by improving the service range and signal coverage of their existing operations, thereby allowing WISPs to reach new consumers.

As stated in our comments in response to the inquiry on wireless broadband policies conducted by the FCC's Wireless Broadband Access Task Force,² TIA strongly supports the Commission's desire to promote more efficient use of spectrum and to create opportunities for new and additional uses of wireless communications by the American

² Comments of the Telecommunications Industry Association, GN Docket No. 04-163 (filed June 3, 2004).

public. As wireless broadband platforms are an increasingly popular alternative for business and residential consumers to access the Internet, wireless technologies have the potential to deliver broadband service to rural and underserved areas and to compete with existing and future wired broadband technologies. TIA agrees it is important to encourage the deployment of advanced wireless networks that can support converged communications services offering consumers competitive choices of voice, video and data applications. Moreover, TIA believes it is vitally important for the Commission to support wireless broadband in its policymaking efforts if it is to meet President Bush's stated goal of ensuring the availability of broadband technology in every corner of America by 2007.³

II. DISCUSSION

As noted in this NPRM, the Commission believes that unlicensed devices can successfully operate in the unused portions of the TV broadcast bands without causing harmful interference to television and other authorized services, provided appropriate technologies are used to ensure that such interference is prevented. TIA believes that more efficient spectrum access is essential for continued innovation in a wide variety of products and applications that are important to consumers and businesses alike, including wireless broadband services.

Unlicensed devices and services have broad market potential, including the

³ See Remarks by President Bush at the American Association of Community Colleges Annual Convention, Minneapolis, Minnesota, Apr. 26, 2004, available at <http://www.whitehouse.gov/news/releases/2004/04/20040426-6.html>.

possible creation of flexible and inexpensive networks to serve businesses and consumers in both metropolitan and rural areas. TIA supports the availability of additional spectrum for use in wireless broadband deployments. Accordingly, TIA supports in principle the Commission's proposal to make the unused portions of the TV broadcast bands available for use by unlicensed devices.

Broadcast television service operates on 6 MHz channels designated channels 2 to 69 in the VHF and UHF portions of the radio spectrum (54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz). Once the digital television transition is complete, DTV stations will operate only on channels 2-51. Channels 52-69 have already been reallocated for other uses. Channel 37 is allocated for radio astronomy and the wireless telemetry service. Channels 14-20 are used by the Private Land Mobile Radio Service (PLMRS) and Commercial Mobile Radio Service (CMRS) in 13 metropolitan areas. Channels 2-4 are used for the output channels of TV interface devices. No unlicensed operation would therefore be allowed in channels 2-4, 37, and 52-69. Additionally, unlicensed operation would not be allowed in channels 14-20 if those channels were being used by TV broadcast services or PLMRS and CMRS operations. Thus, TIA agrees with the FCC that TV channels 5-36 and 38-51 would be generally available for unlicensed operation. While it may eventually be possible for channels 14-20 to be available in some areas, TIA urges the FCC to be cautious with respect to these channels given their use by public safety agencies for mission critical communications.

The TV broadcast spectrum is ideally suited for deployment of wireless broadband access because it has excellent propagation characteristics that offer more effective service at greater distances than higher frequency bands currently used by

unlicensed devices. TIA thus agrees that there is substantial benefit in the operation of unlicensed devices in the broadcast TV bands – particularly in rural and underserved areas.

TIA strongly supports the Commission's desire to ensure that TV broadcasters, consumer receivers, and other authorized users of the TV broadcast spectrum are protected from harmful interference, and TIA supports the adoption of safeguards to accomplish this goal. We agree, as is being addressed in the NPRM and rulemaking process, that the Commission should take measures to ensure that the safeguards it adopts will allow unlicensed operation in the TV bands without causing harmful interference to television services, consumer receivers, or the other services that use this spectrum. TIA urges the Commission to establish effective enforcement mechanisms to ensure that unlicensed transmitters operating in the TV bands incorporate interference avoidance mechanisms, operate only on vacant channels, and comply with appropriate limits on power and operating frequency.


III. CONCLUSION

TIA applauds the Commission's desire to promote more efficient use of the TV broadcast spectrum and to create opportunities for new and additional uses of wireless communications. TIA has long believed that sound spectrum management is critical to the future success of the communications industry and to maximize benefits to consumers. TIA strongly supports Commission consideration of mechanisms and flexible licensing models that allow more efficient use of spectrum for wireless services, including the use of unlicensed devices in unused portions of the TV broadcast bands.

TIA member companies design, develop and manufacture a wide array of communications equipment, including systems that are subject to, and affected by, the Commission's regulatory oversight. TIA members have both a substantial interest in the development and operation of unlicensed devices in the TV broadcast bands, as well as an interest in ensuring that the users of licensed equipment and services do not experience harmful interference. TIA therefore has a direct interest in the spectrum management activities of the Commission and, more specifically, in the outcome of the issues addressed in this NPRM. TIA requests that the Commission take into consideration the views expressed above.

Respectfully submitted,

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November 30, 2004